

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD NOVEMBER 3, 2014, AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET, BEATRICE, NE

Mayor Schuster led those in attendance in the Pledge of Allegiance.

1 – Roll Call: Present: Mayor Schuster, Councilmembers Catlin, Clabaugh, Cook, Fairbanks, Langdale, Morgan, Parde
Absent: Councilmember Kerr

Mayor Schuster announced that a copy of the Open Meetings Act is posted in the meeting room and is accessible to members of the public.

Mayor Schuster read a Proclamation recognizing November 15, 2014 as America Recycles Day. Linda Grell with Keep Beatrice Beautiful was present to receive the proclamation and encouraged everyone to pick one more thing to recycle. She also announced that Beatrice is sponsoring an all metals day at the Recycling Center and they plan to use the proceeds received to buy recycled park benches for the elementary schools.

Mayor Schuster read a Proclamation recognizing November 9-15, 2014 as National Nurse Practitioners Week. Mary Scherling, Wauneta Kempf and Jolene Pike were present to receive the proclamation and thanked everyone for sharing in the celebration of the week noting that nurse practitioners are a solution to the primary care crisis in the United States.

2 - Consent Agenda

- a. Approve agenda as submitted.
- b. Receive and place on file all notices pertaining to this meeting.
- c. Receive and place on file all materials having any bearing on this meeting.
- d. Approval of minutes of regular meeting on October 20, 2014, as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on October 27, 2014, as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims
 - (1) Approval of claim of Beatrice Humane Society in the amount of \$5,000.00
 - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$337,296.19
- g. Approval of BASWA Report of Claims in the amount of \$42,199.47
- h. Approval of change order increase in the amount of \$3,080.95 for a total contract price of \$80,698.05 to R.L. Tiemann Construction for the 2014 Alley projects.
- i. Resolution Number 5689 entering into a contract for services with Beatrice Mechanical Service, Inc. to replace the air handler and related HVAC elements within the Beatrice Police Department building located at 201 N 5th.
- j. Resolution Number 5690 entering into an Intergovernmental Agreement with the Nebr Dept of Environmental Quality for a grant from the Storm Water Management Plan Program.
- k. Resolution Number 5691 authorizing the City, on behalf of Neapco Components, LLC, to enter into the Nebr Dept of Economic Development Site and Building Development Fund Business Recruitment and Expansion Project Contract No. 15-01-88.
- l. Resolution Number 5692 directing review of prior continuing disclosure undertakings and related disclosures and authorizing participation in the SEC's municipalities continuing disclosure cooperation initiative.
- m. Resolution Number 5693 entering into an agreement with Olsson Associates to complete the energy element for the City's Comprehensive Plan.
- n. Approval of Special Designated Liquor License Application of C&C Processing for tasting events on 11/21/14, 11/28/14, and 12/5/14, all from 10:00 a.m. until 1:00 a.m. at 2312 N 6th Street, Beatrice, NE.

Moved by Catlin, seconded by Clabaugh, that the items listed under the consent agenda, be approved, accepted and/or ratified as presented; Cook abstained from f(1).

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Langdale, Morgan, Parde
Nay: None Motion carried.

3 - Public Hearings/Bids:

a. Hearings

- (1) Public hearing will be held on the application of GNS Corporation dba Git N Split, 301 South 6th Street, Suites 1, 2, & 3, for a Class D Liquor License.**

Mayor Schuster opened a Public hearing on the application of GNS Corporation dba Git N Split, 301 South 6th Street, Suites 1, 2, & 3, for a Class D Liquor License

Police Chief, Bruce Lang, under oath, presented the Police Investigative Report and Traffic Report, showing that the standard background investigation was performed, which uncovered no items of concern that would preclude issuance of the license. Code Enforcement Officer, Rob Mierau, under oath, presented the Planning Report, which had been completed by interim inspector Rex Behrends, showing that the property is appropriately zoned and has no effects on the surrounding neighborhood. Jess Vetrovsky, 200 S LaSelle, Manager of Git N Split, under oath, spoke in support of granting their request, which will allow the business to expand their location and broaden their beer and liquor sales. No one appeared in opposition.

Moved by Catlin, seconded by Cook, that the public hearing be closed at 7:15 p.m.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Langdale, Morgan, Parde
Nay: None Motion carried.

Moved by Catlin, seconded by Parde, that the application of GNS Corporation dba Git N Split, 301 South 6th Street, Suites 1, 2, & 3, for a Class D Liquor License, be recommended to the Nebraska Liquor Control Commission for approval.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Langdale, Morgan, Parde
Nay: None Motion carried.

- (2) Public hearing CANCELLED PER APPLICANT'S REQUEST on the application of Phillip and Lorrie Padgett to rezone property legally described as W1/2 of Lot 58, all Lots 59 and 60, I.N. McConnells Sub of S/2 SE/4 Section 32-4-6, and located at Scott Street north of Sumner, from "R-4" to "AG".**

Mayor Schuster announced that the public hearing on the application of Phillip and Lorrie Padgett to rezone property legally described as W1/2 of Lot 58, all Lots 59 and 60, I.N. McConnells Sub of S/2 SE/4 Section 32-4-6, and located at Scott Street north of Sumner, from "R-4" to "AG", has been withdrawn and cancelled per the applicant's request as they do not wish to pursue the zoning change.

4 – Resolutions:

- a. Resolution entering into an agreement with the Beatrice Area Chamber of Commerce, Main Street Beatrice, and NGage, to fund a coordinated community branding project.**

Mayor Schuster introduced Resolution Number 5694 entering into an agreement with the Beatrice Area Chamber of Commerce, Main Street Beatrice, and NGage, to fund a coordinated community branding project.

Moved by Catlin, seconded by Morgan, that Resolution Number 5694 be passed and adopted.

Lora Young, Executive Director of the Beatrice Area Chamber of Commerce, and Michael Sothan, Executive Director of Main Street Beatrice, were present to support the project. City Administrator, Tobias Tempelmeyer, explained that the effort started with the Beatrice Public Schools who then asked for partners to be a part of the process to hire a company to come up with a common “branding” for Beatrice. The City of Beatrice will enter into the contract with FES, LLC and the proposed agreements set forth the responsibility of all groups involved, including the shared funding of the contract.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Langdale, Morgan, Parde
Nay: None Motion carried.

Resolution Number 5694 has been passed and adopted.

b. Resolution entering into an agreement with the Beatrice Public Schools to fund a coordinated community branding project.

Mayor Schuster introduced Resolution Number 5695 entering into an agreement with the Beatrice Public Schools to fund a coordinated community branding project.

Moved by Catlin, seconded by Parde, that Resolution Number 5695 be passed and adopted.

City Administrator Tempelmeyer explained that the agreement with the Beatrice Public Schools is the same but because it is between the City and the School is drafted as an interlocal agreement and requires different language; the school board will vote on this at their meeting next Monday night.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Langdale, Morgan, Parde
Nay: None Motion carried.

Resolution Number 5695 has been passed and adopted.

c. Resolution entering into a Community Branding Project Agreement with FES, LLC.

Mayor Schuster introduced Resolution Number 5696 entering into a Community Branding Project Agreement with FES, LLC.

Moved by Catlin, seconded by Parde, that Resolution Number 5696 be passed and adopted.

City Administrator Tempelmeyer explained that this is the proposed agreement between the City and FES for the community branding project at a total cost of \$24,000 to be completed within the next 13 weeks.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Langdale, Morgan, Parde
Nay: None Motion carried.

Resolution Number 5696 has been passed and adopted.

d. Resolution approving a Union Contract with the Fraternal Order of Police Lodge 45A.

Mayor Schuster introduced Resolution Number 5697 approving a Union Contract with the Fraternal Order of Police Lodge 45A.

Moved by Catlin, seconded by Langdale, that Resolution Number 5697 be passed and adopted.

City Administrator Tempelmeyer reviewed the negotiated changes to the proposed FOP contract, which is just a one year contract to allow some flexibility to work on changes to the employee health care plan due to the Affordable Care

Act, and provides for a 2% across the board increase and some administrative issue changes regarding committees, grievance procedures and clarification of use of the excess sick leave bank hours. Councilmember Fairbanks expressed his concern with the flat percentage increase, would have preferred the 2% be divided equally, and also the process of comparing salaries to other communities in our array that compounds increases on each community.

Roll Call: Yea: Catlin, Clabaugh, Cook, Langdale, Morgan, Parde
Nay: Fairbanks

Motion carried.

Resolution Number 5697 has been passed and adopted.

e. Resolution approving a lease agreement with the Fraternal Order of Police for use of a portion of the second floor of the Beatrice Police Station for a health and fitness training center.

Mayor Schuster introduced Resolution Number 5698 approving a lease agreement with the Fraternal Order of Police for use of a portion of the second floor of the Beatrice Police Station for a health and fitness training center.

Moved by Catlin, seconded by Parde, that Resolution Number 5698 be passed and adopted.

Mayor Schuster explained that along with the FOP Union Contract is this agreement which allows them to operate a fitness center for its members and all city employees; the lease is \$1 and is in a portion of the upstairs not being used.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Langdale, Morgan, Parde
Nay: None

Motion carried.

Resolution Number 5698 has been passed and adopted.

f. Resolution approving a Union Contract with the Firefighters Union, Local No. 1098.

Mayor Schuster introduced Resolution Number 5699 approving a Union Contract with the Firefighters Union, Local No. 1098.

Moved by Catlin, seconded by Langdale, that Resolution Number 5699 be passed and adopted.

City Administrator Tempelmeyer explained the negotiated changes to the proposed Firefighters contract, which is also a one year agreement and includes a 2% across the board increase, clarified the grievance procedure, removed the old EMT-Intermediate and replaced that with Advanced EMT, and modified some of the criteria in the performance based increases. Councilmember Fairbanks noted that he had the same concerns as with the FOP contract.

Roll Call: Yea: Catlin, Clabaugh, Cook, Langdale, Morgan, Parde
Nay: Fairbanks

Motion carried

Resolution Number 5699 has been passed and adopted.

5 – Ordinances:

a. Ordinance vacating Lots 1, 2, and Outlot "A", NorthRidge Village Addition, ~~except the south 30 feet commonly known as Sargent Street.~~

Mayor Schuster introduced an Ordinance vacating Lots 1, 2, and Outlot "A", NorthRidge Village Addition.

Moved by Catlin, seconded by Cook, that said ordinance be given number 14-029, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Langdale, Morgan, Parde
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 14-029 by number only the first, second and third times.

Moved by Catlin, seconded by Cook, that Ordinance Number 14-029 be passed and approved.

City Administrator Tempelmeyer explained that this is the Southwick Development at Highway 77 and Sargent Street and they want to build another building to the west but since an administrative subdivision was done previously they are now required to re-plat the property in order to divide up the buildings and to do this they must vacate the original plat. The proposed re-plat also cleans up the location of easements.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Langdale, Morgan, Parde
Nay: None Motion carried.

Ordinance Number 14-029 has been passed and approved.

b. Ordinance approving the plat of NorthRidge Village First Addition.

Mayor Schuster introduced an Ordinance approving the plat of NorthRidge Village First Addition.

Moved by Catlin, seconded by Parde, that said ordinance be given number 14-030, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Langdale, Morgan, Parde
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 14-030 by number only the first, second and third times.

Moved by Catlin, seconded by Morgan, that Ordinance Number 14-030 be passed and approved.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Langdale, Morgan, Parde
Nay: None Motion carried.

Ordinance Number 14-030 has been passed and approved.

6 – Public Forum:

No one appeared at public forum.

7 – Discussions/Reports:

8 – Miscellaneous:

Next regular council meeting is November 17, 2014 at 7:00 p.m. in the BPS Admin Bldg Meeting Room; Worksession on November 24, 2014 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.

Moved by Catlin, seconded by Parde, that the meeting be adjourned at 7:44 p.m.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Langdale, Morgan, Parde
Nay: None Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster